

AMENDED IN SENATE MAY 10, 2006

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1547

Introduced by Senator Romero

February 23, 2006

An act to add Sections 5040, 5041, and 5042 to the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1547, as amended, Romero. Corrections: inmate population.

Existing law charges the Department of Corrections and Rehabilitation with the care and custody of all persons sentenced to the state prison.

This bill would make findings and declarations regarding the growing inmate population in the department and the need to control that growth through progressive corrections and rehabilitation policies. The bill would require the department to establish programs that would parole older or medically incapacitated inmates *under certain circumstances*, provide *additional* sentence reduction incentives for *eligible* inmates who ~~complete~~ *make progress in* various programs in prison, and to develop strategies to reduce recidivism and discharge ~~certain~~ *rehabilitated* parolees.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that:

1 (a) The California Department of Corrections and
2 Rehabilitation currently houses ~~approximately 168,000~~ *over*
3 *170,000* inmates, which is 195 percent of the designed capacity.
4 In fiscal year 2006–07, the population is projected to increase by
5 2.3 percent, or ~~3867~~ 3,867 inmates. In addition to housing the
6 inmate population, the department is responsible for monitoring
7 the parole population which is approximately 115,600. The
8 parole population is also projected to increase in 2006–07 by 700
9 parolees. The population is projected to increase because more
10 inmates are being released to parole, but fewer parolees are being
11 discharged from parole supervision.

12 (b) Last year, in 2005, the department overran its budget by
13 ~~over \$1~~ *one* billion dollars (\$1,000,000,000) due primarily to
14 population growth. The department had based its budget on a
15 decreasing population trend, but in fact, the inmate population
16 experienced unprecedented growth, thereby driving department
17 costs above and beyond fiscal projections.

18 (c) The department is operating well above the designed
19 capacity and is also plagued with a number of lawsuits that
20 impose court ordered requirements and standards that the
21 department must meet. Many of the requirements are difficult to
22 achieve due to the number of inmates and parolees in the system.

23 (d) The department has recently been the subject of several
24 audits, analyses, and reports that have made recommendations to
25 improve operations and programs within the department. Many
26 of these reports and analyses state that in order to adequately
27 rehabilitate inmates and protect public safety, inmate and parole
28 populations need to be reduced. According to the recent
29 Corrections Independent Review Panel (CIRP), “The key to
30 reforming the system lies in reducing the numbers.”

31 (e) The department has been delinquent in making progress
32 toward controlling and reducing the inmate and parole
33 populations to allow for successful rehabilitation to reduce
34 recidivism.

35 (f) Through implementation of progressive corrections and
36 rehabilitation policies, the department can reduce the inmate and
37 parole populations in order to work on rehabilitating and
38 reintroducing inmates back into society.

39 (g) California keeps parolees under state jurisdiction for far
40 longer periods of time than national norms. California currently

has “the longest leash” for inmates on parole without any visible effect on recidivism, which results in parolees being locked up for technical parole violations at a significant cost to the state with no beneficial impact on public safety.

(h) For the reasons stated above, it is imperative that the California Department of Corrections and Rehabilitation take immediate action to address the burgeoning inmate population. It is the intent of the Legislature in enacting this bill, to introduce population management strategies that would enable the department to control its population safely and effectively, with the safety of inmates, staff, and the public as the paramount goal.

SEC. 2. Section 5040 is added to the Penal Code, to read:

5040. ~~The~~*Effective January 1, 2008, the* department shall establish programs that will parole geriatric and medically incapacitated inmates who no longer pose a threat to public safety, as follows:

(a) A medical parole program for medically incapacitated inmates who no longer represent a threat to public safety and who have an appropriate place to receive care.

(b) One of the following:

(1) A program that would allow inmates who are 65 years of age and older who have served at least five years of their sentence to become eligible for parole and inmates 60 years of age and older who have served at least 10 years of their sentence to become eligible for parole, not including *persons who are required to register as a sex offender pursuant to Section 290 or inmates incarcerated for a murder conviction.*

(2) A program that would parole nonserious, nonviolent inmates who are 55 years of age and older, ~~as recommended by the Legislative Analyst’s Office in its 2003–04 Budget Analysis.~~ *excluding parole violators returned to custody, inmates serving a life sentence, inmates who have two “strikes” pursuant to Section 1170.12, and persons who are required to register as a sex offender pursuant to Section 290. Inmates who qualify for the program in this paragraph who have not served at least 50 percent of their sentence may be placed in an in-home electronic monitoring detention program if the department deems it necessary for public safety.*

(3) A program that would emulate the Project for Older Prisoners (the “POPS” program), in which the department would

1 partner with law school students who would assess older
2 prisoners for parole.

3 SEC. 3. Section 5041 is added to the Penal Code, to read:

4 5041. The department shall develop a program that would
5 provide *additional* sentence-reduction incentives for inmates who
6 ~~complete~~ *are eligible for day-to-day credits and who are meeting*
7 *minimum standards and progress in* education, vocation, and
8 drug treatment programs.

9 SEC. 4. Section 5042 is added to the Penal Code, to read:

10 5042. The department shall develop numerous strategies to
11 reduce recidivism and to discharge rehabilitated persons from
12 parole, including, but not limited to, the following:

13 (a) Development of policies and procedures that would enable
14 low-risk parolees to be discharged from parole according to
15 national norms.

16 (b) Identification of low risk parolees, and reducing their
17 parole term to three months.